

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:18cr122-MHT
	)	(WO)
TANYA LEE ENGLISH	)	

OPINION AND ORDER

This cause is before the court on the motion to continue made by defendant Tanya Lee English on May 2, 2018. For the reasons set forth below, the court finds that jury selection and trial, now set for May 21, 2018, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making

public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and English in a speedy trial. English has two cases pending in federal court, and trial for the other matter is set for August 6, 2018.

Her codefendant in this case is her husband, Timothy English, and together they share custody of their minor grandchildren. All parties are working toward a resolution of the cases that will be least disruptive for the grandchildren--an effort that requires coordination between the two federal cases as well as all parties involved. The present trial date, set three months prior to trial for the second matter, does not afford defense counsel adequate time to conduct investigation, confer with all parties with full information, and develop a defense. Accordingly, a continuance is warranted and necessary to allow counsel enough time to coordinate with other counsel and the government, and, if needed, prepare adequately and effectively for jury selection and trial.

The government does not object to a continuance.

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Accordingly, it is ORDERED as follows:

(1) The motion for continuance of defendant Tanya Lee English (doc. no. 34) is granted.

(2) The jury selection and trial, now set for May 21, 2018, are reset for August 6, 2018, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 4th day of May, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE